

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IAN J. BROWN, JAMES BROWN,
and BARBARA BROWN,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
VERIZON NEW ENGLAND, INC.,
and BOSTON EDISON COMPANY
d/b/a/ NSTAR ELECTRIC,

Defendants.

C.A. No. 04cv11924-RGS

UNITED STATES OF AMERICA'S MOTION TO DISMISS

The United States of America moves to dismiss the co-defendants', Verizon New England, Inc. ("Verizon") and Boston Edison d/b/a Nstar Electric ("Boston Edison"), cross-claims against the Government, pursuant to Fed. R. Civ. P. 12(b)(1), based on lack of subject matter jurisdiction. In support of this Motion, the Government submits the accompanying Memorandum of Law in Support of its Motion to Dismiss.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Damian W. Wilmot
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Dated: March 17, 2005

CERTIFICATION UNDER L.R. 7.1

I certify that in accordance with Local Rule 7.1, on March 15 and 17, 2005, I have conferred with Verizon's and Boston Edison's counsel and have attempted in good faith to resolve the issues addressed in this Motion.

/s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney